

## REMARKS

As a preliminary matter, the Assignee appreciates the removal of U.S. Patent No. 6,607,136 to Atsmon et al. ("*Atsmon*"), since it was not prior art. Since no new prior art was cited in the present Office Action to replace *Atsmon* the Assignee respectfully requests the withdrawal of the present rejections and that a Notice of Allowance be issued. As the previous office action pointed out, the current cited references fail to disclose all of the cited features of the claims. Since the Examiner's action must be complete in all matters, and must cite the best references at his or her command, it follows that the best references have been cited, and features of the claims are not disclosed. Therefore, the Assignee respectfully requests that a Notice of Allowance should be issued. See 37 C.F.R. §§1.104 (b),(c). The Assignee sets forth the missing elements below.

Claims 1-17, 19-25, 27-33, and 35-36 are pending in this application.

### **A. Claims 1-14: 35 U.S.C. §103(a)**

Claims 1-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,835,896 to Fisher et al. ("*Fisher*") in view of U.S. Patent No. 6,704,713 to Brett ("*Brett*") in view of U.S. Patent No. 6,178,408 to Copple et al. ("*Copple*").

#### **1. Claims 1-7**

Claims 1-7 recite an auction-redemption system. The system includes a web server, an account database, and an auction server. The account database maintains account records with points, including credit points, that are redeemable and represent payment units for covering bid prices. The points have an expiration data at which unredeemed points are eliminated from a corresponding account record.

*Fisher* discloses a system for conducting a multi-person auction, without using a human auctioneer to conduct the auction. The system allows a group of bidders to interactively place bids over a computer or communications network.

*Brett* discloses an automated event ticket auctioning system for receiving and evaluating bid information received from remote terminals. The bid information records correspond to bids from one or more seats within a venue.

*Copple* discloses a method for redeeming collectible points using on-line bidding for promotional items. Promotional items are collected by consumer purchases of products associated with the points.

The Office Action mailed on December 12, 2006 ("*December 2006 Office Action*"), correctly identified that *Fisher* and *Brett* "fail to explicitly teach...wherein for each group of one or more points there is an expiration data at which unredeemed points from such group are eliminated." See p. 3, lines 17-24. The *December 2006 Office Action* also correctly identified that *Copple* "fail[s] to explicitly teach...wherein for each group of one or more points there is an expiration time." See p. 14, line 29 - p. 15, line 3.

*Copple* also fails to disclose that points are eliminated. In the pending Office Action, the discussion of what *Copple* discloses is directed to Fig. 4a. However, this figure and the remaining parts of the patent do not disclose the elimination of unredeemed points, but instead discusses returning points to a user. More specifically, when a user wins an auction, the user has a specified time period in which to submit the winning number of points to the auction site in order to claim the auctioned off item that the user won. When the user submits the points after the expiration of the time period, the points are returned to the user because the user's delay resulted in the auctioned item being recycled to the system so that it may be auction off to other bidders. Therefore, *Copple* does not disclose eliminating unredeemed points whose expiration date has expired.

Since the combination of *Fisher*, *Brett*, and *Copple* do not disclose or suggest all of the features of claims 1-7, the Assignee respectfully requests withdrawal of these rejections.

## 2. Claims 8-10

Claims 8-10 recite an auction processing server for allowing a plurality of bidders to bid on at least one item. The auction-processing server includes a database server, a web server, and an account file. The account file contains account records of points,

including credit points, that are redeemable and represent payment units. The points have an expiration data at which unredeemed points are eliminated from a corresponding account record.

For the reasons stated above in Section A(1), the combination of *Fisher*, *Brett*, and *Copple* do not disclose or suggest all of the features of claims 8-10. Accordingly, the Assignee respectfully requests withdrawal of these rejections.

### 3. Claims 11-14

Claims 11-14 recite an auction processing server for allowing a plurality of bidders to bid on at least one item. The auction processing server includes an account database with records in which points, including credit points are maintained in encrypted form, the points being redeemable and representing payment units. The points have an expiration data at which unredeemed points are eliminated from a corresponding record.

For the reasons stated above in Section A(1), the combination of *Fisher*, *Brett*, and *Copple* do not disclose or suggest all of the features of claims 11-14. Furthermore, the Assignee notes that the *December 2006 Office Action* was correct when it identified that "*Copple* fail[s] to explicitly teach account[s] for holding points in encrypted form." See p. 14, lines 29-30. Likewise, *Fisher* and *Brett* do not disclose such encryption.

Accordingly, for at least these reasons, the Assignee respectfully requests withdrawal of these rejections.

### **B. Claims 15-17 and 27-28: 35 U.S.C. §103(a)**

Claims 15-17 and 27-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Fisher* in view of *Copple*.

Claims 15-17 and 27-28 recite a point based auction system. The system includes a database, a processor, a communications port, and a memory. The database includes accounts for holding in encrypted form points that have an expiration time. The memory embodies a computer program that has instructions for causing the process to perform various steps including discarding from the accounts any unredeemed points whose time has expired.

For at least the reasons stated above in Sections A(1) and A(3), the combination of *Fisher* and *Copple* do not disclose or suggest a database that includes accounts for holding in encrypted form points that have an expiration time. Additionally, as previously stated, the combination does not disclose or suggest discarding from the accounts any unredeemed point whose time has expired.

Accordingly, the Assignee respectfully requests withdrawal of these rejections.

**C. Claims 19-22: 35 U.S.C. §103(a)**

Claims 19-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Fisher* in view of U.S. Patent No. 6,113,495 to Walker et al. ("*Walker*") in view of *Copple*.

Claims 19-22 recite an auction method performed by a networked computer system. The method includes instantiating in a server a database with a plurality of accounts for holding points in an encrypted form points that have an expiration time, and operating an auction server for, among other things, removing any unredeemed points from the database accounts if their time has expired.

*Walker* is directed to an electronic gaming system that allows a player of an electronic gaming device, such as a slot machine or an arcade video game to access premium entertainment services, such as premium web sites. The Office Action suggests that a portion of one claim in *Walker* discloses removing any unredeemed points from a database account if the points' expiration time period has expired. See *Office Action mailed June 14, 2007* citing *Walker* col. 15, lines 55-65. The Assignee respectfully disagrees. In *Walker*, a player is permitted to access premium entertainment services in exchange for a cash payment or player reward points awarded as part of a slot club or an arcade incentive program. Col. 2, lines 41-60. This amounts to a purchase, and therefore *Walker* does not disclose removing any unredeemed points from a database account if the points' expiration time period has expired.

Furthermore, *Walker* is directed to providing players an "incentive for continued play," col. 1, line 10, at electronic gaming devices. Removing players' accrued credits after a period of time would have the effect of deterring play. Therefore, the Assignee

suggests that the reading of *Walker* set forth in the Office Action teaches away from the disclosed system's intended purpose, and cannot be correct.

Additionally, for the reasons stated above in Section A(1), *Fisher* and *Copple* do not fill the gaps of *Walker*. Therefore, the Assignee respectfully asserts that claims 19-22 are patentable over *Fisher* in view of *Walker* in view of *Copple*. Accordingly, the Assignee respectfully requests withdrawal of these rejections.

**D. Claims 23-25, 29-33, and 35-36: 35 U.S.C. §103(a)**

Claims 23-25, 29-33, and 35-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Copple* in view of *Walker*.

**1. Claims 23-25**

Claims 23-25 recite a computer system. The system includes a first database that includes incentive points that a user may use to participating in an auction. The incentive points have an expiration time. Additionally, the system includes a means for removing any unredeemed points from entries in the first database whose time has expired.

As detailed in Section A(1) and C, above, the combination of *Copple* and *Walker* does not teach removing any unredeemed points whose expiration time has expired from entries stored in a database.

Accordingly, the Assignee respectfully requests withdrawal of these rejections.

**2. Claims 29-33 and 35**

Claims 29-33 and 35 recite a method performed by a computer system. The method includes instantiating a database in a computer with a communication port for receiving bids from users, the database instantiated for maintaining a plurality of accounts that hold points in encrypted form, the points having an expiration time. Additionally, the method includes automatically removing points from the accounts if not redeemed by the expiration time.

As detailed in Section A(1) and C, neither *Copple* nor *Walker* teach or suggest removing from entries stored in a database unredeemed points whose expiration time has expired. Therefore, the combination of *Copple* and *Walker* also does not teach or

suggest removing from entries stored in a database unredeemed points whose expiration time has expired.

Accordingly, the Assignee respectfully requests withdrawal of these rejections.

3. Claim 36

Claim 36 depends from claim 1 and further recites an auction-redemption system. The auction-redemption system includes a web server, an account database, and an auction server. The account database maintains account records with points, including credit points, that are redeemable and represent payment units for covering bid prices. The points have an expiration data at which unredeemed points are eliminated from a corresponding account record.

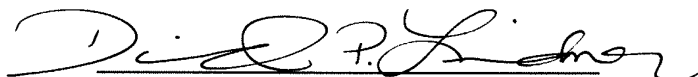
As detailed in Section A(1) and C, neither *Copple* nor *Walker* teach or suggest a database that maintains account records with points where unredeemed points are removed when an expiration time has expired. Therefore, the combination of *Copple* and *Walker* also does not teach or suggest a database that maintains account records with points where unredeemed points are removed when an expiration time has expired.

Accordingly, the Assignee respectfully requests withdrawal of these rejections.

**CONCLUSION**

The Assignee respectfully submits that all of the pending claims are in condition for allowance and a notice to this effect is respectfully requested. The Examiner is invited to contact the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,



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